

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Timothy Enos Edens, Sr., #190322,)	C/A No. 5:12-3427-SB-KDW
)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
Willie Eagleton, Warden,)	
)	
)	
)	
Respondent.)	

This matter is before the court on a letter submitted to the court which the court will construe as a Motion for Appointment of Counsel. ECF No. 12-2. Petitioner is an inmate at Evans Correctional Institution and has filed a document seeking habeas relief pursuant to 28 U.S.C. § 2254. In support of his motion seeking counsel, Petitioner alleges that he is both deaf and illiterate. A cover letter prepared by another inmate, Mr. Burchfield, indicates that Burchfield has assisted Petitioner to this point in preparing his petition but that Burchfield is not an attorney and Petitioner needs more help than he can provide.

There is no Sixth Amendment right to counsel to pursue a petition for habeas corpus. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) (“[S]ince a defendant has no federal constitutional right to counsel when pursuing a discretionary appeal on direct review of his conviction, . . . he has no such right when attacking a conviction that has long since become final upon exhaustion of the appellate process.”). While a court may provide counsel for an indigent inmate pursuing a petition for habeas corpus when “the court determines that the interests of justice so require,” 18 U.S.C. § 3006A(2)(B); the Fourth Circuit has limited the appointment of counsel to cases where “exceptional circumstances” exist, such as when a case is particularly

complex or a litigant is unable to represent himself adequately. *Whisenant v. Yuam*, 739 F.2d 160, 163 (4th Cir. 1984).

After a review of the pleadings and record in this case, this court has determined that there are exceptional circumstances which justify the appointment of counsel. The undersigned, therefore, grants Petitioner's motion, and pursuant to the court's available pro bono list of volunteer attorneys for this Division, appoints Attorney Bradley Floyd of Surfside Beach, South Carolina to represent Petitioner in this case. Attorney Floyd is directed to file a Notice of Appearance on the CM/ECF docket no later than January 24, 2013.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

Kaymani D. West
United States Magistrate Judge

January 10, 2013
Florence, South Carolina

